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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,291	05/25/2000	Jay Paul Drummond	D-1077+15	5931
28995	7590	07/15/2005	EXAMINER CAMPEN, KELLY SCAGGS	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,291

Applicant(s)

DRUMMOND ET AL.

Examiner

Kelly Campen



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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

In view of the Appeal Brief filed on 2/3/5, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Priority

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-

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part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119 as follows:

This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Coadependency between the current application and the prior application is required.

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

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It is noted that this application appears to claim subject matter disclosed in prior Application No. 09/193787, filed 11/17/98. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c).

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The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Los Angeles Times article, “TRADE IT YOURSELF BANK MACHINES MAKE A DEBUT” hereinafter referred to as “LA Times”.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by over the Los Angeles Times article, “TRADE IT YOURSELF BANK MACHINES MAKE A DEBUT” hereinafter referred to as “LA Times”.

LA Times discloses Citibank automated teller machines for performing the normal banking functions of an ATM and in addition, providing financial services such as the brokerage functions of buying and selling of stocks and accessing market values for stocks etc. The screen

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of the Citibank ATM has separate menus for banking and brokerage services through which interface the user can access their banking account or their brokerage account. The Citibank ATM is considered to perform all the banking functions of a typical ATM, such as account access, transfer funds, dispense cash, dispense receipts, dispense statements, etc. The Citibank ATM is also considered to possess all the normal components and component interrelationships of an ATM machine such as a card reader, currency output device and a currency sheet dispenser, a receipt output device including a receipt sheet dispenser, etc., and a computer in operative connection with the output devices and the currency sheet dispensers, these ATM components being inherent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Los Angeles Times article, "TRADE IT YOURSELF BANK MACHINES MAKE A DEBUT" hereinafter referred to as "LA Times", in view of Infoworld article, "TP-Monitor Vendors Spin Web features", hereinafter referred to as "Infoworld article" (this reference was cited on the PTO-892 mailed as part of paper 8 on 2/17/2000) or Anderson et al. (US 5,706,442).

LA Times discloses Citibank automated teller machines for performing the normal banking functions of an ATM and in addition, providing financial services such as the brokerage functions of buying and selling of stocks and accessing market values for stocks etc. The screen of the Citibank ATM has separate menus for banking and brokerage services through which interface the user can access their banking account or their brokerage account. The Citibank ATM is considered to perform all the banking functions of a typical ATM, such as account access, transfer funds, dispense cash, dispense receipts, dispense statements, etc. The Citibank ATM is also considered to possess all the normal components and component interrelationships of an ATM machine such as a card reader, currency output device and a currency sheet dispenser, a receipt output device including a receipt sheet dispenser, etc., and a computer in

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operative connection with the output devices and the currency sheet dispensers, these ATM components being inherent.

LA Times is silent as to the precise nature of the user interface at the Citibank ATM. It is unknown if the user interface is a web browser interface or some other type of interface.

The Infoworld article discloses an NCR automated teller machine that has a web browser interface, so as to *"enable transactions over the web"* and *"to make one or 10,000 machines look as if they are local to your computing resource"*. The browser interface is the interface through which all the ATM banking functions of the NCR ATM machine are performed, such as account access, funds transfer, the dispensing of currency and receipts responsive to the interaction of the user with the web browser interface.

Anderson et al. disclose a system for on-line financial services, the system comprising an Internet browser interface, specifically a hypertext mark-up language web browser (column 2, lines 40 47).

It would have been obvious, in view of Infoworld or Anderson et al, to one of ordinary skill in the art at the time that the invention was made, to provide the Citibank ATM of LA Times with a web browser interface so as to enable the ATM user to perform all the typical ATM functions including transactions over the web and dispensing sheets and currency through the output devices. The Citibank ATM of LA Times thus modified, would enable a user to conveniently perform all the typical ATM banking and brokerage functions at the ATM screen through a web browser interface and make it appear to the user that the ATM machine was local to the computer resource containing the relevant bank or brokerage account. The user would be able access the bank account, transfer funds, dispense currency and receipts etc. through ATM

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sheet feeders output devices responsive to the interaction of the user with the pages/ documents viewed at the web browser interface of the ATM screen.

The examiner takes official notice of the fact that it is notoriously well known in the art of sheet feeders that the documents processed by the controlling web browser interface of a particular sheet feeding machine contain instructions for controlling the output devices of the machine, such as dispense instructions for feeding sheets through the output devices of the machine, such an arrangement providing an effective and reliable control system for the output devices of the machine. Official notice is also taken that it is well known that these documents are often HTML documents/ pages.

It would have been obvious to the one of ordinary skill in the art in the above modification of the Citibank ATM of LA Times with a web browser as taught by Infoworld or Anderson et al., that the documents/pages processed by the web browser interface of the ATM machine would contain dispense instructions for performing the sheet feeding function through the output devices of the machine, and instructions for performing any other required functions of the ATM machine, such an arrangement providing an effective and reliable control system for the output devices of the machine.

A typical ATM machine requires a user to insert an ATM card into the ATM's card reader to access the users bank account. The browser of the Citibank ATM, as modified above, would open web pages related to the user, the web pages having previously determined addresses and performing different transactional and informational functions as required by the user.

Regarding claims 29 and 31, all ATM's have a cash dispenser device operative to dispense cash during the operation of the ATM.

Response to Arguments

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tarbox (CA 2207970) discloses a system for processing a customized financial transaction card. Bell et al. (US 6014134) disclose a network based intelligent tutoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 703 308-8549. The examiner can normally be reached on Monday-Thursday 8.30-6.00 and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kelly S. Campen

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